

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-4200

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY AYENI JONES,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, District Judge. (CR-96-458-WMN)

Submitted: August 19, 1997

Decided: September 12, 1997

Before MURNAGHAN and WILKINS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Randolph O. Gregory, Sr., Baltimore, Maryland; M. Christina Gutierrez, Baltimore, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Robert R. Harding, Assistant United States Attorney, Jamie M. Bennett, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Anthony Jones appeals the district court's denial of his motion to amend his pretrial confinement conditions. We have jurisdiction under 28 U.S.C. § 1291 (1994). See 18 U.S.C. § 3145(c) (1994). Specifically, Jones sought to be transferred back to Baltimore, Maryland, from FCI Allenwood in Pennsylvania. Jones is facing a possible death sentence as a result of his pending charges. We affirm.

We review the district court's ruling for clear error. See United States v. Clark, 865 F.2d 1433, 1437 (4th Cir. 1989). We find that Jones has not shown actual prejudice to his Sixth Amendment right to counsel and this precludes the granting of relief on that basis. See Ervin v. Busby, 992 F.2d 147, 150 (8th Cir. 1993). We are also unpersuaded that the district court clearly erred by not holding a hearing or by not otherwise giving Jones an opportunity to respond to the government's opposition to his motion. We therefore affirm the district court's order.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED